

THE MYSORE LEGISLATIVE ASSEMBLY

EIGHTY-FIFTH DAY.

Friday, 17th November, 1961.

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at One of the Clock.

Mr. SPEAKER (Sri S. R. KANTHI B.A., LL.B.) in the Chair.

STARRED QUESTIONS

(to which oral answers were given)

DECISION TAKEN ON THE REPORT OF NAGAN GOWDA COMMITTEE.

*Q.—828. Sri M. RAMAPPA (Harihar).—

Will the Government be pleased to state:—

(a) the basis on which they have taken the decision on the Report of Nagan Gowda Committee;

(b) whether they intend to consider on the economic basis instead of Castes and Communities, in future?

A.—Sri N. RACHIAH (Minister for Agriculture and Social Welfare).—

(a) The criteria recommended by Dr. Nagan Gowda Report have been taken into consideration while a decision was taken on the report of the Committee.

(b) The question is under consideration.

REASONS FOR MODIFYING THE NAGAN GOWDA COMMITTEE REPORT.

*Q.—944. Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—

Will the Government be pleased to state:—

(a) the reasons for modifying the Nagan Gowda Committee Report in their Government Order;

(b) whether they have taken note of the economic basis as the criteria for deciding the Backward Classes;

(c) whether the Government Order has not adversely affected the interest of the Backward Classes as decided by the Nagan Gowda Committee Report;

(Sri V. P. DEENADAYALU NAIDU)

(d) whether they will review the Nagan Gowda Committee Report as well as the Government Order in view of the injustice that may be caused to the interest of backward classes; if so, at what distance of time?

A.—Sri N. RACHIAH (Minister for Agriculture and Social Welfare).—

(a) The report of Dr. Nagan Gowda Committee has not been modified by Government Order.

(b) No.

(c) No.

(d) Does not arise in view of reply to (c) above.

Mr. SPEAKER.—This has been answered on the floor of the House already and we have also given one day for the debate on this subject.

Sri M. RAMAPPA.—No, Sir. By way of putting questions we will be able to elicit certain answers which will be helpful for the debate.

Mr. SPEAKER.—Yes, supplementary may be asked.

Sri M. RAMAPPA.—May I know whether both the criteria and the recommendations of the Nagan Gowda Committee are modified?

†Sri N. RACHIAH.—Criterion is not modified.

Sri M. RAMAPPA.—Are not both the criteria and the recommendations modified and if so, let me know what they are?

Sri N. RACHIAH.—As far as I know, there is no change in the criteria. There is slight modification in regard to the implementation of the recommendations.

Sri M. RAMAPPA.—I am not referring to implementation. Have you differed from the recommendations and on what basis?

Sri N. RACHIAH.—Sir, the recommendations of the Backward Classes are as follows:

The social backwardness of the community should be judged on the status in society in general and the backwardness of the community should be judged on the basis of percentage of students of each community in the last three classes of the high schools in the State during 1959-60 as compared with others in these classes for that year. Like this, there are seven recommendations. The same criteria are applied in respect of other classes though they were not recommended.

†Indicates that the remarks or speeches have not been revised by the Member concerned.

Sri M. RAMAPPA.—Sir, there is absolutely no answer to my question. Under the Nagan Gowda Committee Report, you have classed certain communities as backward, more backward and forward; whether they have changed this and if so, what is the reason for this and what is the basis on which changes have been made?

Sri N. RACHIAH.—The basis is the same. The Government thoroughly examined and also considered. The Hon'ble Member may refer to the Constitution. Article 15 (4) and 16 (4) It is only such members of the society in the country that are socially and educationally backward that should be treated as backward sections. In accordance with the provisions of the Constitution, the Committee has examined thoroughly and we have come to a decision.

Sri M. RAMAPPA.—Is this an answer to my question, Sir?

Mr. SPEAKER.—If he is not satisfied with the answer, he may pursue it by putting a few more supplementaries.

Sri M. RAMAPPA.—If you fully agree with the recommendations of the Nagan Gowda Committee Report....

Sri N. RACHIAH.—We have not fully agreed.

Sri M. RAMAPPA.—Why have you differed and what is the basis on which you have differed?

Sri N. RACHIAH.—Such of those castes which are socially and educationally backward have been classified as backward classes.

Sri J. B. MALLARADHYA.—Sir, has social backwardness defined anywhere in the Constitution or whether the Central Government or State Governments defined the concept of backwardness?

Sri N. RACHIAH.—Neither the State Government nor the Central Government can go against the Constitutional safeguards. It is specifically stated in the Constitution.

Sri J. B. MALLARADHYA.—I am asking whether the concept of social backwardness has been defined in the Constitution or whether any attempt has been made by either the State Government or the Centre to define what it is?

Sri N. RACHIAH.—That has not been defined. It is specially provided in the Constitution that it is only those sections which are socially and educationally backward must be treated as backward classes. In accordance with this principle, the Committee has examined and while determining the criteria, the Committee has recommended certain facts; these facts are that castes should be taken as the basis. On that basis, we have also taken a decision. Castes should not be taken for consideration only in the case of backwardness, even in the case of advanced section, it must be considered. The Constitution has not abolished castes. Unless it is constitutionally abolished and prohibited caste must be taken as the basis and on that basis, we have to take a decision whether it is educationally, administratively or in the field of economics.....

Sri J. B. MALLARADHYA.—Will the Hon'ble Speaker say that my very simple question has been answered? Though many things have been said it is outside the scope of my question. I want a very categorical statement whether the Committee had at their disposal any guiding factor to determine social backwardness and whether social backwardness has been defined anywhere in the Constitution? If there was no criteria and if there was no guiding factor to determine the social backwardness, what is it that the Committee did? When the Report came into their hands, did the Government examine to see whether the criteria of social backwardness was satisfactory?

Sri N. RACHIAH.—If the Hon'ble Members were to go through the Report carefully and patiently, the committee made recommendations simply because some Members have something against the Committee...

Sri J. B. MALLARADHYA.—I protest against this; Sir, this is a very irresponsible statement for a Minister to make on the floor of this House from the Government benches. Sri Nagan Gowda is a person for whom I have the highest respect. Similarly in respect of individual members of the Committee. My complaint is against the Report. The Hon'ble Minister is pleased to make an observation that we have something against them!

Sri N. RACHIAH.—I can also reciprocate on the same lines. I do not want to do it. It is a very responsible statement I am making. If that is not properly understood, I cannot help. Nowhere the Committee has given details in their report and if the Report is to be read by the Hon'ble Members which is there, because we have supplied the copies of report to the Hon'ble Members—on the recommendation of that committee, we have taken a decision.

Sri M. RAMAPPA.—I rise to a point of order, Sir. Can the Minister go on delivering a speech when a question is put Sir? He has to give information. Is it in order to make a long speech? I request the Hon'ble Speaker to give a ruling. He is going on simply making references to the Constitution. Is it correct and does it serve any purpose?

Mr. SPEAKER.—When a point of order is raised, it must be disposed of. The Hon'ble Minister must be given an opportunity to meet the point raised. I only request the Hon'ble Member to understand the information that has been given by way of making a speech.

Sri J. B. MALLARADHYA.—Is the Hon'ble Speaker's opinion that my question has been answered?

Mr. SPEAKER.—I have already said that if he is satisfied with the reply, he is free to pursue it.

Sri J. B. MALLARADHYA.—Sir, in which page of the Nagan Gowda Committee Report—since the Hon'ble Minister has been allowed to make a speech by way of furnishing information, I may be permitted to make a speech by way of asking a question.

Sri B. D. JATTI.—Let him put the question Straight Sir.

Sri J. B. MALLARADHYA.—Is it the suggestion of the Hon'ble Minister that my question was not straight? My distinct weakness is that!

Sir, the Hon'ble Minister did not say whether the Committee came to the definite determination in regard to social backwardness. May I know why in determining educational backwardness, the communities' last three years of the high school marks were along taken into consideration as against the literacy percentage that was taken into consideration in the previous interim report?

Sri N. RACHIAH.—I was actually answering and the Hon'ble Members interrupted. If you have doubts, I must clarify and I was going to the facts. On page 13, you find that the caste and communities have been examined and also dealt with by the Committee. It is on the details of this chapter, they have made recommendations and all these recommendations we have after a thorough examination and consideration, we have taken a decision. With regard to educational backwardness, regarding backward sections of the people, they want to take first the social backwardness; for instance such of those castes and communities which are educationally backward are naturally socially backward. That is the presumption. It is on that presumption and basis that they have come to conclusions that even while giving educational facilities, that this must be taken as the basis. Still Government have taken a decision irrespective of the caste and creed, educational concessions should be given to those children whose parents' income is below Rs. 1,200. That applies not only to backward classes, but also to advanced sections. Therefore, I do not understand how there is a defect in the Government order.

Sri J. B. MALLARADHYA.—It is unfortunate, Sir, that a straight question does not get a straight answer. My question was, in determining educational backwardness of communities, why, on earth, if I may use that expression, did the Committee consider that the number of students of a particular community studying in the last three classes of the high school alone were taken into consideration.

Mr. SPEAKER.—Instead of general literacy.

Sri N. RACHIAH.—"Why on earth"—I am not answering questions pertaining to earth. I am answering question pertaining to the State.

Sri J. B. MALLARADHYA.—And particularly why of only 1959 and of the last three classes? If in a particular community a few students are studying in the last three classes, on account of the dropping of students, they may drop in the first year. In the second year many of them may fail. If at least they had taken into considerations the students passed in the SSLC, a public examination, that would have determined the backwardness of the community, because that forms a particular stage for entry of people into service. The minimum qualification

(Sri J. B. MALLARADHYA)

for entry into public service is a pass in the S.S.L.C. examination. If that at least had been taken into consideration, it is something. Last year, they took literacy into consideration, but they did not give any valid reason.

An HON'BLE MEMBER.—Is this a straight question ?

Sri J. B. MALLARADHYA.—From the majority point of view, this is a straight question.

Sri N. RACHIAH.—Is it not a speech, Sir ? That part, it was open to the committee to find out the criteria. They thought it best that should be the basis and they have given their recommendations on that basis.

Sri V. P. DEENADAYALU NAIDU.—I am pleased to know from the reply given by the Hon'ble Minister that there are certain criteria adopted by the Committee, and there by they made certain recommendations. But our view is that such recommendations and the Government Order is not in tune with each other. There is a divergence. On what basis did the Government deviate from the recommendations and the criteria adopted by the Committee ?

Sri N. RACHIAH.—I have answered that question. There is definitely some difference between the recommendations of the Committee and also the Government decision. If the decision is a part from the criteria, I can certainly answer. The decision is in accordance with the criteria both as recommended by the Committee and in accordance with the Government Order.

Sri V. P. DEENADAYALU NAIDU.—If there is a departure in the criteria adopted, either the committee had made an erroneous assessment of the various facts or the Government have made a mistake. We would like to know where the mistake has occurred. Otherwise, there should not be any divergence.

Sri B. D. JATTI.—There is no error either on the part of the Committee or on the part of the Government. The report of the Committee was sent to the Government. But it was not necessary for the Government to accept all the recommendations in toto. Wherever Government felt necessary to make alterations for good, it has done.

Sri V. P. DEENADAYALU NAIDU.—Certain Communities were, declared in the recommendations as forward. But in the Government Order certain communities have been brought as backward. On what basis and what reasons and on what facts, and how did the Government deviate from the recommendations of the Committee ?

Sri B. D. JATTI.—The average literacy which was found out by the Committee for the entire State was taken as the basis. On that basis, wherever there were fractions, we have taken as full numbers, and it is also mathematically correct, and so we have accepted.

Sri M. C. NARASIMHAN.—May I know what are the particulars in which the Government Order differs from the recommendations of the Nagan Gowda Committee?

Sri B. D. JATTI.—Some particulars about which there is a difference is in the matter of average literacy which has been found out by the Committee.

Sri M. C. NARASIMHAN.—There were certain percentages given by the Nagan Gowda Committee. I want to know if there is a departure from Nagan Gowda Committee recommendations and also about the communities. If so, which are the communities where there is a difference.

Sri B. D. JATTI.—If the Hon'ble Member looks into the Nagan Gowda Committee report, he will notice the difference. If he wants to know the basis or criteria, so far it is only average education.

Sri M. C. NARASIMHAN.—It may be in the Report, but I want an answer to my question.

Mr. SPEAKER.—What is mentioned in the Report and the Government Order cannot be the basis for putting a supplementary question now.

Sri M. C. NARASIMHAN.—The reply in the answer to question (a) is that the criteria recommended by the Report have been taken in to consideration for a decision. But here, the reply is different.

Mr. SPEAKER.—But the criteria have not been changed.....

Sri M. C. NARASIMHAN.—That is not the question, Sir.

Mr. SPEAKER.—It is only a matter of detail where there is a change.

Sri G. VENKATAI GOWDA.—Is it not a fact that the Nagan Gowda Committee recommended reservation of 47 per cent to the backward classes exclusively? If so, what reasons prompted the Government to reduce it to 30 per cent?

Sri B. D. JATTI.—I replied just now—the average literacy which was recommended by the Nagan Gowda Committee.

Sri G. VENKATAI GOWDA.—The Committee made a recommendation to reserve 47 per cent exclusively for the backward classes. And now the Government has changed it to 30 per cent. What are the reasons? For the Scheduled Castes and Scheduled Tribes, they had recommended 18 per cent and for the other backward classes 47 per cent....

Sri B. D. JATTI.—In view of the decision of the High Court, and also in the Supreme Court, the reservation is 48 per cent, 18 per cent for scheduled castes and scheduled tribes *plus* 30 per cent for the other backward classes.

Sri G. VENKATAI GOWDA.—Has the High Court given any direction that the other backward classes would have reservation only up to thirty per cent?

Sri B. D. JATTI.—If the Hon'ble Member looks into the judgment, he will understand.

Sri G. VENKATAI GOWDA.—I have looked into the judgment. It does not say anywhere that the reservation has to be made towards other backward classes should be 30 per cent. It is not stated so anywhere in the judgment. Therefore, what are the reasons that prompted the Government to reduce the percentage that has been recommended by the Nangan Gowda Committee?

Sri B. D. JATTI.—That argument is illogical. The exception cannot over ride the main principle. It cannot be more than fifty per cent. It works out to 15 per cent for the scheduled castes, 3 per cent for the scheduled tribes, and the other backward classes 30 per cent. It is 48 per cent which is less than 50.

1-30 P.M.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ನಾಗನಗೌಡ ರಿಪೋರ್ಟ್ ಮೇರೆ ಇತ್ತೀಚೆಗೆ ಮಾಡಿದ ತಕ್ಕ ಸರಕಾರಿ ಆರ್ಡರ್ ಪ್ರಕಾರ ಹೆಚ್ಚು ಹಿಂದುಳಿದವರಿಗೆ ಹೆಚ್ಚಾಗಿ ಅಪಾಯಿಂಟ್‌ಮೆಂಟು, ಸೀಟು ಗಳು ಸಿಕ್ಕುತ್ತಿಲ್ಲವೆಂದು ಸರಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೆ?

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಇಲ್ಲ.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ಪ್ರಜಾ ಸಂಖ್ಯೆಗೆ ಅನುಗುಣವಾಗಿ ಸ್ಥಾನಮಾನಗಳು ದೊರೆಯಬೇಕಲ್ಲವೆ?

ಶ್ರೀ ಎನ್. ರಾಜಯ್ಯ.—ಪ್ರಜಾಸಂಖ್ಯೆಗೆ ಅನುಗುಣವಾಗಿ ಅಲ್ಲ, ಯಾರು ಹಿಂದುಳಿದವರು ಅಗಿದ್ದಾರೆಯೋ ಅಂಥವರಿಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡಬೇಕೆಂದು ಶೇಕಡ 48 ರಷ್ಟು ಸ್ಥಾನಗಳನ್ನು ಮೀಸಲಾಗಿ ಇಡಲಾಗಿದೆ.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ಮೀಸಲಾಗಿ ಇಟ್ಟಿರುವ ಶೇಕಡ 48 ಸ್ಥಾನಗಳಲ್ಲಿ ಕೆಲವು ಬಾಲಿಯಾದ ಸ್ಥಾನಗಳು ಜನರ ಪೂಲಿಗೆ ಹೋಗುತ್ತವೆಲ್ಲವೆ?

ಶ್ರೀ ಎನ್. ರಾಜಯ್ಯ.—ರಾಜ್ಯ ಅಗುತ್ತವೆ ಎಂದು ಹಾಗೆ ಮಾಡಲಾಗುವುದು.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ಇವರಿಂದ ಹಿಂದುಳಿದವರಿಗೆ ಅನ್ಯಾಯವಾಗಿದೆಯಲ್ಲವೆ?

ಶ್ರೀ ಎನ್. ರಾಜಯ್ಯ.—ಅನ್ಯಾಯವಾಗಿಲ್ಲ. ಅಂಥಾದ್ದನ್ನು ಗಮನಕ್ಕೆ ತಂದರೆ ಅದನ್ನು ಸರಿಪಡಿಸುತ್ತೇವೆ.

Sri C. K. RAJIAH SHETTY.—After the submission of the Nagan Gowda Report, Government in their order have increased the number of communities in the backward classes. To that extent, may I know why Government did not increase the percentage to be reserved?

Sri B. D. JATTI.—The percentages may be worked out by anybody. I already said that according to the Government Order the percentages are 3, 15 and 30, this 30 being further divided into 14 and 16.

Sri B. G. KHOR.—What steps have Government taken to do justice to the subjects of a community?

Sri N. RACHIAH.—That is a suggestion for action. We shall examine it.

Sri B. R. SUNTHANKAR.—Have the Government received a circular-letter from the Central Government to the effect that economic condition should be the criterion for deciding backwardness?

Sri N. RACHIAH.—These matters are left to the State Governments. As a matter of fact under article 46, that is, under the Directive Principles of State Policy, we have a responsibility for fixing a criteria.

Sri B. R. SUNTHANKAR.—My question is different. Is there a directive from the Centre?

Sri N. RACHIAH.—There is no directive to the effect that we should adopt a particular criteria. Economic criteria is also a suggestion that we might consider.

Sri B. D. JATTI.—May I explain the position. Under Article 46, whatever financial assistance is to be given, it may be given on an economic basis not on the social backwardness. That is the Circular.

Sri M. RAMAPPA.—On what basis were the 14 and 16 per cents reserved for the backward and more backward?

Sri B. D. JATTI.—On the basis of social and educational backwardness.

Sri G. VENKATAI GOWDA.—Have Government examined the position that after the issue of the G. O., the virtual result is that the advanced classes get a reservation of 52 per cent?

Sri B. D. JATTI.—We have examined the position. The Hon'ble Member may be entitled to put the interpretation he chooses but the G. O. makes the percentages very clear indeed.

Sri C. M. ARUMUGHAM.—In the backward communities how many are socially backward and how many are educationally backward?

Sri N. RACHIAH.—That is given in the report.

Sri C. M. ARUMUGHAM.—The Minister for Social Welfare said that backwardness was determined by caste but now the Chief Minister says that it was determined by social and educational backwardness.

Sri N. RACHIAH.—Caste is taken while determining social and educational backwardness.

Sri B. D. JATTI.—Under the Constitution caste cannot be eliminated. Caste is a sub-division of the community. That is the decision of the High Court.

Sri C. M. ARUMUGHAM.—May I know the Article of the Constitution which prescribes caste for determining backwardness?

Sri B. D. JATTI.—According to the decision of the High Court considering caste as a sub-division of the community is absolutely constitutional and legal. That is why we have taken the caste as the basis.

Sri C. M. ARUMUGHAM.—Then the entire State becomes backward.

Mr. SPEAKER—I have allotted one day for this matter. All such issues can be raised then.

ABOLITION OF INAM LANDS HELD BY THE TEMPLES AND BY THE FAMILIES IN SERVICE OF THESE TEMPLES IN THE STATE.

* Q.—1006. Sri A. J. DODDAMETI (Ron).—

Will the Government be pleased to state:—

(a) whether they intend bringing a bill before the Assembly to abolish all the Inam lands held by the temples and by the families in service of these temples in the State;

(b) if so whether they also intend to abolish the hereditary system of priests;

(c) whether they will consider prescribing qualifications for appointing these priests;

(d) if so whether they intend appointing these priests only on the basis of such qualifications irrespective of their caste, creed, etc.?

A.—Sri KADIDAL MANJAPPA (Minister for Revenue).—

(a) Yes.

(b) This will be considered at the proper time.

(c) Qualifications have already been prescribed in Ex-Mysore State and the question of extending the same principles to integrated areas will also be considered.

(d) The priests or Archaks are appointed only on the basis of qualifications prescribed.

ಶ್ರೀ ಎ. ಜಿ. ದೊಡ್ಡಮೇಟಿ.—ಈ ಮಸೂದೆಯು ಡ್ರಾಫ್ಟ್ ತಯಾರಾಗಿದೆಯೇನು?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ತಯಾರಾಗಿದೆ.

ಶ್ರೀ ಎ. ಜಿ. ದೊಡ್ಡಮೇಟಿ.—ಇದೇ ಸರಕಾರವಿರುವಾಗಲೇ ಆ ಮಸೂದೆ ಬರುತ್ತದೆಯೋ ಅಥವಾ ಹೊಸ ಸರಕಾರ ಬಂದಮೇಲೆ ತರಲಾಗುತ್ತದೆಯೇ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಈ ಅಸೆಂಬ್ಲಿ ಅಧಿವೇಶನದಲ್ಲಿ ಬಹುಶಃ ನಡೆಸಲಾರದು ಎಂದು ಕಾಣುತ್ತದೆ.

ಶ್ರೀ ಬಿ. ಎ. ಪುಟ್ಟಣ್ಣ.—ಉತ್ತರ (d) ನಲ್ಲಿ ಹೇಳಿದ ಪ್ರಕಾರ ಅವರಿಗೆ ಮಂಜರಾಯಿ ಮ್ಯಾನ್ಯುಯಲ್ ಪ್ರಿನ್ಸಿಪಲ್ ಮಾಡಿದ್ದೀರಾ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಮೇಜರ್ ಇನ್‌ಸ್ಪೆಕ್ಟರ್‌ಜನರಾಗಲಿ ಕೆಲವು examinations prescribe ಮಾಡಿದ್ದೇವೆ. ಆಗಮ ಪರೀಕ್ಷೆ ಪಾಸ್ ಮಾಡಬೇಕೆಂದಿದೆ.

ಶ್ರೀ ಬಿ. ಎ. ಪುಟ್ಟಣ್ಣ.—ಶೈವ ದೇವಸ್ಥಾನಗಳಲ್ಲಿ ಕೂಡ ಆಗಮ ಪರೀಕ್ಷೆ ಪಾಸ್ ಮಾಡಿ ಕೊಂಡಿರತಕ್ಕ ಅರ್ಚಕರನ್ನು ನೇಮಕ ಮಾಡುತ್ತೀರಾ?